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May 12, 2025

SUBMITTED VIA ECF

Hon. Mark W. Pedersen, United States Magistrate Judge
Kenneth B. Keating Federal Building
United States District Court
Western District of New York
100 State Street
Rochester, New York 14614

Re: *Koszkul v. Carney v. Rochester Institute of Technology*
Index No.: 24-cv-06480-EAW-MWP

Dear Judge Pedersen:

We represent Third-Party Defendant, Rochester Institute of Technology ("RIT") in the above-referenced matter. On April 4, 2025, RIT filed a Motion to Dismiss Third-Party Plaintiff/Defendant, Michelle Carney's ("Ms. Carney") Amended Third-Party Complaint (Docket No. 77), which seeks dismissal of Ms. Carney's Amended Third-Party Complaint in its entirety.

On April 18, 2025, Ms. Carney's attorney filed an Opposition to RIT's Motion to Dismiss (Docket No. 80). On May 2, 2025, RIT filed a Reply in further support of its Motion to Dismiss (Docket No. 85).

On May 7, 2025, Ms. Carney's attorney submitted a request to Your Honor seeking permission to file a sur-reply in connection with RIT's Motion to Dismiss (Docket No. 86).

On Friday, May 9, 2025, without permission to do so, Ms. Carney's counsel filed a sur-reply. Pursuant to Local Rule 7(a)(6), "[a]bsent permission of the Judge hearing the motion, sur-reply papers are not permitted."

According to the Local Rules, Ms. Carney's submission of a sur-reply is improper. As such, RIT respectfully requests that this Court not consider the sur-reply in consideration of RIT's Motion to Dismiss (Docket No. 87).

We thank the Court for its consideration in this matter.

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Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

A handwritten signature in blue ink, reading "Stephanie Hoppe Fedorka". The signature is written in a cursive style with a large initial 'S'.

Stephanie Hoppe Fedorka, Esq.